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APPLICATION NO.	FILIN	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,909 9629	7590	8/2000 09/29/2003	Shila Jalali	257/118	8657
		OCKIUS LLP	EXAMINER		
	FON, DC 20	AVENUE NW 004	•	MUTSCHLER, BRIAN L	
				ART UNIT	PAPER NUMBER
				1753	
				DATE MAILED: 09/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application No.	Applicant(s)					
0.000 A 41 A 90 A 11	09/724,909	JALALI ET AL.					
Office Action Summary	Examiner	Art Unit					
	Brian L. Mutschler	1753					
The MAILING DATE of this communication app Period for Reply	Dears on the cover sneet with t	he correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status							
1) Responsive to communication(s) filed on	·						
2a)☐ This action is FINAL . 2b)⊠ Th	nis action is non-final.						
3) Since this application is in condition for allowa							
closed in accordance with the practice under Disposition of Claims	Ex parte Quayle, 1935 C.D. 1	l1, 453 O.G. 213.					
4)⊠ Claim(s) <u>1-147</u> is/are pending in the application							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 1-147 are subject to restriction and/or	r election requirement.						
Application Papers 9)☐ The specification is objected to by the Examine	· ·						
10) The drawing(s) filed on is/are: a) accept		Evaminer					
Applicant may not request that any objection to th							
11) The proposed drawing correction filed on	- 1 · 1	• •					
If approved, corrected drawings are required in re	_						
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 11	19(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority document	1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No							
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.							
Attachment(s)	. , ,	•					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Infor	nmary (PTO-413) Paper No(s) rmal Patent Application (PTO-152)					

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-50, drawn to a system for separating sample molecules, classified in class 204, subclass 600.
- II. Claims 51-77, drawn to a method for separating molecules using a system with electrodes, classified in class 204, subclass 450.
- III. Claims 78-117, drawn to a microstructure plate, classified in class 435, subclass 288.4.
- IV. Claims 118-147, drawn to a method for separating molecules using a plate without electrodes, classified in class 204, subclass 450.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups I and III and Groups II and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatuses of Groups I and III can be used to practice another process such as performing an electrolytic reaction in the case of Group I and performing a non-electrolytic chemical reaction in the case of Group III.

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3. The inventions of Group I and Group III are distinct because they can be used for different purposes. The system of Group I has electrodes, while the plate of Group III does not contain electrodes. Therefore, the plate of Group I can be used to perform electrolytic operations and reactions.

- 4. The inventions of Group II and Group IV are distinct because they use different apparatuses, which subsequently require the use of different method steps. Group IV requires a step of placing electrodes in contact with the sample wells, while Group II uses electrodes that are already in place in the system.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III and the search required for Group II is not required for the search of Group IV, restriction for examination purposes as indicated is proper.
- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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8. Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian L. Mutschler whose telephone number is (703)

305-0180. The examiner can normally be reached on Monday-Friday from 8:00am to

4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nam Nguyen can be reached on (703) 308-3322. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0661.

NAM NGUYEM

Supervisory patent examinèr

TECHNOLOGY CENTER 1700

blm

September 23, 2003